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Docket: T2678-906845

#16
#9-26-03
D 000**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Dominique Bernard RICHE et al.

Serial No.: 09/809,050

Filed: March 16, 2001

For: Cored Wire for Introducing Additives
into a Molten Metal Bath

: Examiner: Jill M. GRAY

: Group Art Unit: 1774

: McLean, Virginia

DECLARATION UNDER 37 CFR 1.132Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Jean-Claude BECART, hereby declare as follows:

1. I am one of the two co-inventors named in the above-identified patent application.

2. My co-inventor, Dominique Riche, is no longer employed by Affival S.A., the assignee of this application, and is not available to co-sign this declaration.

3. Both myself and Mr. Riche were the named co-inventors in French patent application No. 00.08284, filed June 28, 2000, from which the U.S. application claims priority.

4. I have been advised that, during the course of the examination of the U.S. patent application, the claims that have been presented for examination have

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been rejected, in part, in view of a statement appearing in the application (at page 2, beginning at line 11, of the verified English translation), which reads:

[I]t is known to cover this metallic sheath with a wrapping which, being combustible without leaving any harmful residues, momentarily retards the propagation of heat to the core of the cored wire.

5. It is my understanding that the above passage is being regarded by the U.S. Patent and Trademark Office as an admission that this knowledge is part of the "prior art" against which the patentability of the claimed invention is being determined.

6. It is further my understanding that the claimed invention has been deemed to have been obvious, and therefore not patentable, in light of the passage quoted in paragraph 4 above being treated as being part of the "prior art".

7. The passage in paragraph 4 above is, in fact, a reference to the work performed by myself and my co-inventor, Mr. Riche, and which is the subject of French patent application No. 00.08284, filed June 28, 2000.

8. The invention disclosed and claimed in French patent application No. 00.08284 is directed to the use of a wrapping which is combustible without leaving any harmful residues, to momentarily retard the propagation of heat to a cored wire, when the cored wire is introduced into a molten material.

9. To my knowledge, the technical solution of providing a wrapping as described in paragraph 8 above is disclosed only in French patent application No. 00.08284, was not generally known to the public, and was believed to be patentable to myself and my co-inventor, Mr. Riche.

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10. The text of French patent application No. 00.08284 does not include the passage set forth in paragraph 4 above.

11. On March 5, 2001, a further patent application was filed in the French Patent Office, and was later assigned application Serial No. 0102948.

12. That French patent application was directed to the subject matter now appearing in Claims 8-15 of the present U.S. application, involving the use of a protective metallic casing disposed over the top of the combustible wrapping on the cored wire.

13. When this further French application was prepared, the passage set forth in paragraph 4 above was used to highlight the differences between the invention disclosed and claimed in French patent application No. 00.08284, and the further invention directed to providing a metallic casing over the combustible wrapping.

14. It is my understanding that the specification of the pending U.S. patent application is an English language translation of this further French application, Serial No. 0102948, filed March 5, 2001, in France, and that the U.S. application contains claims to both the invention disclosed in French application No. 00.08284 (use of combustible wrapping) and the invention disclosed in French application No. 0102948 (use of metallic casing over combustible wrapping), both invented by me and my co-inventor, Mr. Riche.

15. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true, and all statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

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United States Code, and that such willful false statements may jeopardize the validity of the above-identified application and any patent issuing therefrom.

Date: September 09th, 2003


Jean-Claude BECART

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